



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Virginia Department of Social Services
VAC Chapter Number:	22 VAC 40-675
Regulation Title:	Personnel Policies for Local Departments of Social Services
Action Title:	Establishment of Proposed Regulation
Date:	October 16, 2001

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This proposed regulation would formalize a consistent, appropriate, and uniform policy structure for personnel operations in local departments of social services in Virginia. Local departments already use many of the policies. Regulatory action is being advanced at the advice of legal counsel for the Department.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Section 63.1-26 of the Code of Virginia requires the State Board of Social Services to establish minimum entrance and performance standards for the personnel employed by local boards and superintendents in the administration of social services, and to advance necessary regulations to maintain such entrance and performance standards. This includes regulations that may be needed in the development of a system of personnel that meets the requirements of the federal Department of Health and Human Services and for programs governed by regulations promulgated the State Board of Social Services. The proposed regulation addresses policies relating to hiring and performance, including screening, interviewing, performance standards and appraisal, equal employment opportunity, and standards of conduct.

The Federal Standards for a Merit System of Personnel Administration, Section (5 CFR, Part 900, subpart F, (b).) states that certain federal grant programs require, as a condition of eligibility, that state and local agencies receiving grants establish merit systems for personnel engaged in administration of the grant-aided program. The proposed regulation addresses policies that fulfill the merit principles that apply to all personnel administration systems required to comply with the standards.

The Office of the Attorney General has certified that the State Board of Social Services has the statutory authority to promulgate this regulation and that this regulation comports with applicable state law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The proposed regulation would provide a uniform set of personnel policies to guide operations in local departments of social services in Virginia. Many of the policies already are used by local departments. Regulatory action is being advanced at the advice of legal counsel for the Department. The goal of this proposed action is to provide and formalize a consistent,

appropriate, and uniform policy structure that ensures the welfare of employees and potential employees in local departments of social services.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

This proposed regulation would provide a legal basis for many policies and practices that local social service agencies already have adopted. Many of the policies are required as a condition for the continued receipt of federal grants. Legal counsel for the Department has cited these policies and practices as appropriate for regulatory action. The proposed regulation includes the following topics: recruitment, screening, and selection of employees; position classification and compensation; employee status and benefits; performance standards and appraisal; equal employment opportunity; standards of conduct; grievance policies; employee political activity; and outside employment. In addition, flexibility is honored by the provision of a process for the local agency to adopt some or all of the personnel policies in force in its local jurisdiction.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

Regulating certain of the policies and procedures would help to insure uniform and equitable practices in the 121 local agencies in the Commonwealth, providing measurable advantages for the Commonwealth, the State Department of Social Services and the 121 local departments of social services who serve every city and county in the state. Much of the proposed regulation addresses practices that support a qualified, representative workforce, factors strongly associated with effective provision of services to local citizens. There are no known disadvantages to this regulation.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

There is no fiscal impact on the state or localities. This regulation implements existing practice.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

There are no changes. This is a new regulation.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

No alternatives to this proposed regulation have been considered. The regulation provides a uniform, legal basis for many personnel policies and practices now being used by local departments.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No comments were received during the NOIRA comment period.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The Department has determined that the regulation is clearly written and easily understandable.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable

regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The Department will review this regulation within three years of its implementation to evaluate any need for amendments.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulation should strengthen the institution of the family, as well as economic sufficiency, self-responsibility, and child welfare. The regulation includes sections on recruitment, hiring, and performance appraisal, all of which promote qualified direct service staff. The employee relations sections of the regulation would also encourage a focus on the above program goals by emphasizing fair labor practices and personnel dispute resolution. This emphasis promotes positive employee morale and professionalism.